

EXHIBIT “2”

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12/1/2020 2:39 PM

1 **SEI**
2 **BOYD B. MOSS III, ESQ.**
3 Nevada Bar No. 8856
4 boyd@mossberglv.com
5 **JOHN C. FUNK, ESQ.**
6 Nevada Bar No. 9255
7 john@mossberglv.com
8 **MOSS BERG INJURY LAWYERS**
9 4101 Meadows Lane, Suite 110
10 Las Vegas, Nevada 89107
11 Telephone: (702) 222-4555
12 Facsimile: (702) 222-4556
13 *Attorneys for Plaintiff*

DISTRICT COURT

CLARK COUNTY, NEVADA

11 **EILEEN ROTH,**
12
13 Plaintiff,

CASE NO. A-20-825624-C
DEPT. NO.

14 v.

SUMMONS

15 **ALBERTSON'S LLC, a Foreign Limited-**
16 **Liability Company, d/b/a ALBERTSONS;**
17 **DOES I through X; and ROE**
18 **CORPORATIONS I through X, inclusive,**
19
20 Defendants.

21 **NOTICE! YOU HAVE BEEN SUED. THE COURT MAY DECIDE AGAINST YOU**
22 **WITHOUT YOUR BEING HEARD UNLESS YOU RESPOND WITHIN TWENTY ONE**
23 **(21) DAYS. READ THE INFORMATION BELOW:**

ALBERTSON'S LLC

24 **TO THE DEFENDANT(S):** A civil Complaint has been filed by the Plaintiff(s) against you
25 for the relief set forth in the Complaint.

- 26 1. If you intend to defend this lawsuit, within twenty one (21) days after this Summons is
27 served on you, exclusive of the day of service, you must do the following:
- 28 (a) File with the Clerk of this Court, whose address is shown below, a formal written
response to the Complaint in accordance with the rules of the Court, with the
appropriate filing fee.

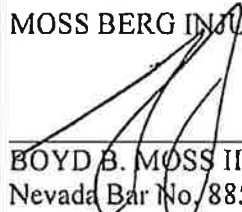
(b) Serve a copy of your response upon the attorney whose name and address is shown below.

2. Unless you respond, your default will be entered upon application of the Plaintiff(s) and failure to so respond will result in a judgment of default against you for the relief demanded in the Complaint, which could result in the taking of money or property or other relief requested in the Complaint.
3. If you intend to seek the advice of an attorney in this matter, you should do so promptly so that your response may be filed on time.
4. The State of Nevada, its political subdivisions, agencies, officers, employees, board members, commission members and legislators each have forty-five (45) days after service of this Summons within which to file an Answer or other responsive pleading to the Complaint.

DATED this 1 day of December, 2020.

Respectfully Submitted By:

MOSS BERG INJURY LAWYERS


BOYD B. MOSS III, ESQ.

Nevada Bar No. 8856

boyd@mossberglv.com

JOHN C. FUNK, ESQ.

Nevada Bar No. 9255

john@mossberglv.com

MOSS BERG INJURY LAWYERS

4101 Meadows Lane

Las Vegas, Nevada 89107

Telephone: (702) 222-4555

Facsimile: (702) 222-4556

Attorneys for Plaintiff

STEVEN D. GRIERSON
CLERK OF COURT

By: 

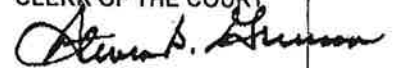
Deputy Clerk

12/1/2020

Date

Demond Palmer

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12/1/2020 2:38 PM
Steven D. Grierson
CLERK OF THE COURT



CASE NO: A-20-825624-C
Department 8

1 COMP
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4 boyd@mossberglv.com
5 JOHN C. FUNK, ESQ.
6 Nevada Bar No. 9255
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9 4101 Meadows Lane, Suite 110
10 Las Vegas, Nevada 89107
11 Telephone: (702) 222-4555
12 Facsimile: (702) 222-4556
13 *Attorneys for Plaintiff*

DISTRICT COURT
CLARK COUNTY, NEVADA

11 EILEEN ROTH,
12
13 Plaintiff,

CASE NO.
DEPT. NO.

14 v.

COMPLAINT

15 ALBERTSON'S LLC, a Foreign Limited-
16 Liability Company, d/b/a ALBERTSONS;
17 DOES I through X; and ROE
18 CORPORATIONS I through X, inclusive,
19 Defendants.

20 Plaintiff, EILEEN ROTH, by and through her attorneys, BOYD B. MOSS III, ESQ., and
21 JOHN C. FUNK, ESQ. of the law firm of MOSS BERG INJURY LAWYERS, and for her
22 causes of action against Defendants, and each of them, hereby alleges as follows:

23 1. That at all times relevant to these proceedings, Plaintiff, EILEEN ROTH
24 (hereinafter referred to as "Plaintiff"), was and is a resident of Pasadena, California.

25 2 Plaintiff is informed, believes, and thereon alleges that at all times relevant to
26 these proceedings, Defendant, ALBERTSON'S LLC (hereinafter referred to as "Defendant"),
27 was and is a Foreign Limited-Liability Company, organized and existing pursuant to the laws of
28

1 the State of Nevada, and authorized to do and doing business in Clark County, Nevada, as
2 ALBERTSONS, located at 10250 West Charleston Boulevard, Las Vegas, Nevada 89135.

3 3. That the true names and capacities, whether individual, corporate, associate or
4 otherwise of Defendants named herein as DOES I through X are unknown to Plaintiff who,
5 therefore, sues said Defendants by said fictitious names. Plaintiff is informed, believes, and
6 thereon alleges that each of the Defendants designated as DOES are responsible in some manner
7 for the events and happenings referred to herein, specifically for creating and/or allowing a
8 hazardous condition to exist on Defendants' premises, which caused damages proximately to
9 Plaintiff as herein alleged. Plaintiff will ask leave of this Court to amend her Complaint to insert
10 the true names and capacities of DOES I through X when the same have been fully ascertained
11 and to join such Defendants in this action. At all times mentioned herein, each Defendant was
12 acting as the agent, servant, and/or employee of each other Defendant.
13

14 4. That the true names and capacities, whether individual, corporate, associate or
15 otherwise of Defendants named herein as ROE CORPORATIONS I through X are unknown to
16 Plaintiff who, therefore, sues said Defendants by said fictitious names. Plaintiff is informed,
17 believes, and thereon alleges that each of the Defendants designated as ROE CORPORATIONS
18 are responsible in some manner for the events and happenings referred to herein, specifically for
19 creating and/or allowing a hazardous condition to exist on Defendants' premises, which caused
20 damages proximately to Plaintiff as herein alleged. Plaintiff will ask leave of this Court to
21 amend her Complaint to insert the true names and capacities of ROE CORPORATIONS I
22 through X when the same have been fully ascertained and to join such Defendants in this action.
23 At all times mentioned herein, each Defendant was acting as the agent, servant, and/or
24 employee of each other Defendant.
25
26
27
28

1 5. That on or about January 1, 2019, Plaintiff was a guest shopping at Defendant's
2 premises, located at located at 10250 West Charleston Boulevard, Las Vegas, Nevada 89135
3 (hereinafter referred to as, "Subject Premises"), commonly known as ALBERTSONS.

4 6. At that same time and place, Defendants, and each of them, so carelessly and
5 negligently created, owned, controlled, inspected, and/or maintained the Subject Premises in an
6 unstable and dangerous manner so as to allow a hazardous condition to exist on the Subject
7 Premises, specifically, an uneven floor with slick floor tiles, where Defendant was aware
8 customers would be walking, which, without proper warning of the hazard, caused Plaintiff to
9 slip, hit her head on the restroom wall and fall to the ground, and as a proximate result thereof,
10 Plaintiff was seriously injured.
11

12 7. That as a direct and proximate result of Defendant's and/or their
13 employee/agent's negligent acts and/or omissions and/or breach of duty, Defendant's forced
14 Plaintiff to encounter a dangerous condition by creating and/or allowing an uneven floor with
15 slick tiles to exist on the floor of the restroom, on the Subject Premises, thereby causing
16 Plaintiff to slip, hit her head on the restroom wall, fall to the ground and wait for help.
17

18 8. Defendants, and each of them, carelessly and negligently failed to warn of a
19 hazard with respect to the Subject Premises, thereby forcing Plaintiff to encounter a dangerous
20 condition on the Subject Premises, resulting in Plaintiff sustaining serious injuries and damages.
21

22 9. That as a further direct and proximate result of the negligence, carelessness, and
23 recklessness of Defendants, and each of them, Plaintiff sustained severe and debilitating injuries
24 to her left ankle, right frontal lobe and encephalomalacia, among others, all or some of which
25 conditions may be permanent or disabling in nature, causing general damages in an amount to
26 be determined at trial.
27
28

1 10. This Court has subject matter jurisdiction over this matter pursuant to NRS
2 4.370(1), as the matter in controversy exceeds Fifteen Thousand Dollars (\$15,000.00) exclusive
3 of attorney's fees, interest, and costs.

4 11. That as a further direct and proximate result of the negligence, carelessness, and
5 recklessness of Defendants, and each of them, Plaintiff was required, and will be required in the
6 future, to incur expenses for medical care and treatment and costs incidental thereto in an
7 amount to be determined.

8 12. That as a further direct and proximate result of the negligence, carelessness, and
9 recklessness of Defendants, and each of them, Plaintiff has incurred substantial out-of-pocket
10 expenses, including, but not limited to, money spent for prescriptions, medication, and
11 uncovered medical expenses.

12 13. That as a further direct and proximate result of the negligence, carelessness, and
13 recklessness of Defendants, and each of them, Plaintiff has endured physical and emotional pain
14 and suffering. It is further expected that Plaintiff will be forced to endure future physical and
15 emotional pain associated with her continued medical treatment, recuperation, physical therapy
16 and limitations associated with her injuries into the foreseeable future.

17 14. That as a further direct and proximate result of the negligence, carelessness, and
18 recklessness of Defendants, and each of them, Plaintiff has suffered and continues to suffer a
19 significant deterioration in Plaintiff's enjoyment of life and lifestyle.

20 15. That Plaintiff has had to retain the services of an attorney to prosecute this action
21 and is, therefore, entitled to reasonable attorney's fees and costs of suit incurred herein, as well
22 as prejudgment interest.

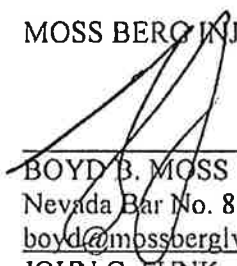
1 - WHEREFORE, Plaintiff, expressly reserving the right to amend her Complaint at the
2 time of trial of the actions herein to include all items of damages not yet ascertained, demands
3 judgment against Defendants, and each of them, as follows:

- 4 1. General damages in an amount in excess of \$15,000.00;
- 5 2. Damages for costs of medical care and treatment and costs incidental thereto,
6 when the same have been fully ascertained;
- 7 3. Reasonable attorney's fees and costs of suit incurred herein; and
- 8 4. For such other and further relief as the Court may deem proper in the premises.

9 DATED this 1 day of December, 2020.

11 MOSS BERG INJURY LAWYERS

12
13 By:

14  BOYD B. MOSS III, ESQ.

15 Nevada Bar No. 8856

16 boyd@mossberglv.com

17 JOHN C. FUNK, ESQ.

18 Nevada Bar No. 9255

19 john@mossberglv.com

20 4101 Meadows Lane, Suite 110

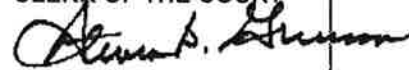
21 Las Vegas, Nevada 89107

22 Telephone: (702) 222-4555

23 Facsimile: (702) 222-4556

24 *Attorneys for Plaintiff*

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12/10/2020 8:40 AM
Steven D. Grierson
CLERK OF THE COURT



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BOYD B. MOSS III, ESQ.
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4101 Meadows Lane, Suite 110
Las Vegas, Nevada 89107
Telephone: (702) 222-4555
Facsimile: (702) 222-4556
Attorneys for Plaintiff

DISTRICT COURT

CLARK COUNTY, NEVADA

EILEEN ROTH,

Plaintiff,

CASE NO. A-20-825624-C
DEPT. NO.

v.

SUMMONS

ALBERTSON'S LLC, a Foreign Limited-
Liability Company, d/b/a ALBERTSONS;
DOES I through X; and ROE
CORPORATIONS I through X, inclusive,

Defendants.

NOTICE! YOU HAVE BEEN SUED. THE COURT MAY DECIDE AGAINST YOU WITHOUT YOUR BEING HEARD UNLESS YOU RESPOND WITHIN TWENTY ONE (21) DAYS. READ THE INFORMATION BELOW:

ALBERTSON'S LLC

TO THE DEFENDANT(S): A civil Complaint has been filed by the Plaintiff(s) against you for the relief set forth in the Complaint.

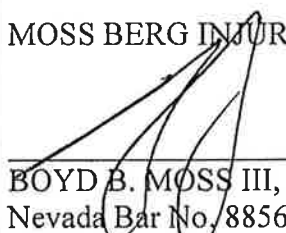
1. If you intend to defend this lawsuit, within twenty one (21) days after this Summons is served on you, exclusive of the day of service, you must do the following:
 - (a) File with the Clerk of this Court, whose address is shown below, a formal written response to the Complaint in accordance with the rules of the Court, with the appropriate filing fee.

- (b) Serve a copy of your response upon the attorney whose name and address is shown below.
2. Unless you respond, your default will be entered upon application of the Plaintiff(s) and failure to so respond will result in a judgment of default against you for the relief demanded in the Complaint, which could result in the taking of money or property or other relief requested in the Complaint.
 3. If you intend to seek the advice of an attorney in this matter, you should do so promptly so that your response may be filed on time.
 4. The State of Nevada, its political subdivisions, agencies, officers, employees, board members, commission members and legislators each have forty-five (45) days after service of this Summons within which to file an Answer or other responsive pleading to the Complaint.

DATED this 1 day of December, 2020.

Respectfully Submitted By:

MOSS BERG INJURY LAWYERS


BOYD B. MOSS III, ESQ.

Nevada Bar No. 8856

boyd@mossberglv.com

JOHN C. FUNK, ESQ.

Nevada Bar No. 9255

john@mossberglv.com

MOSS BERG INJURY LAWYERS

4101 Meadows Lane

Las Vegas, Nevada 89107

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Facsimile: (702) 222-4556

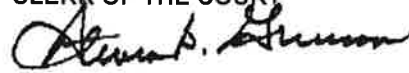
Attorneys for Plaintiff

STEVEN D. GRIERSON
CLERK OF COURT

By:  12/1/2020
Deputy Clerk Date

Demond Palmer

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12/9/2020 4:46 PM
Steven D. Grierson
CLERK OF THE COURT



AFFT

Moss Berg Injury Lawyers
Marcus A. Berg, Esq.
4101 Meadows Ln., Ste 110
Las Vegas, NV 89107
State Bar No.: 9760
Attorney(s) for: Plaintiff(s)

DISTRICT COURT
CLARK COUNTY, NEVADA

Case No.: A-20-825624-C

Dept. No.: 8

Date:

Time:

Eileen Roth

vs

Plaintiff(s)

Albertson's LLC, a Foreign Limited-Liability company, d/b/a
Albertsons; et al.

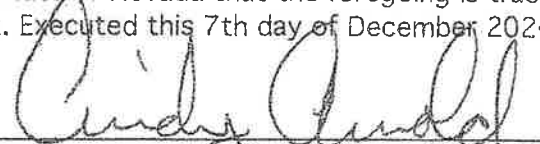
Defendant(s)

AFFIDAVIT OF SERVICE

I, Cindy Lee Arnold, being duly sworn deposes and says: That at all times herein affiant was and is a citizen of the United States, over 18 years of age, licensed to serve civil process in the State of Nevada under license #604, and not a party to or interested in the proceeding in which this affidavit is made. The affiant received 1 copy(ies) of the: Summons: Complaint on the 3rd day of December, 2020 and served the same on the 4th day of December, 2020 at 12:47PM by serving the Defendant, Albertson's LLC, a Foreign Limited-Liability company, d/b/a Albertsons by personally delivering and leaving a copy at CT Corporation System, 701 S. Carson St., Ste. 200, Carson City, NV 89701 with Danielle Naki, Administrative Assistant pursuant to NRS 14.020 as a person of suitable age and discretion at the above address, which address is the address of the registered agent as shown on the current certificate of designation filed with the Secretary of State.

Pursuant to NRS 239B.030 this document does not contain the social security number of any person.

I declare under penalty of perjury under the law
of the state of Nevada that the foregoing is true and
correct. Executed this 7th day of December 2020

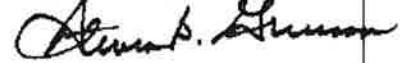


Affiant – Cindy Lee Arnold #: R-2020-12596
Legal Process Service - License # 604

Legal Process Service, 724 S. 8th Street, Las Vegas, NV 89101 (702) 471-7255



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Steven D. Grierson
CLERK OF THE COURT



1 **DMSC**
2 **LEW BRANDON, JR., ESQ.**
3 Nevada Bar No. 5880
4 **ANDREW GUZIK, ESQ.**
5 Nevada Bar No. 12758
6 **SARA PASQUALE, ESQ.**
7 Nevada Bar No. 14412
8 **BRANDON | SMERBER LAW FIRM**
9 139 East Warm Springs Road
10 Las Vegas, Nevada 89119
11 Office (702) 380-0007-Fax (702) 380-2964
12 l.brandon@bsnv.law
13 a.guzik@bsnv.law
14 s.pasquale@bsnv.law
15 Attorneys for Defendant,
16 **ALBERTSON'S, LLC.**

11 **DISTRICT COURT**
12 **CLARK COUNTY, NEVADA**

13 EILEEN ROTH,
14 Plaintiff,

15 vs.

16 ALBERTSON'S, LLC, a Foreign Limited-
17 Liability Company, d/b/a ALBERTSON'S;
18 DOES I through X; and ROE
19 CORPORATIONS I through X, inclusive,
20 Defendants.

CASE NO.: A-20-825624-C
DEPT. NO.: 8

21 **DEFENDANT ALBERTSON'S, LLC'S**
22 **DEMAND FOR SECURITY OF COSTS**

23 NOTICE IS HEREBY GIVEN, pursuant to NRS §18.130 that Defendant,
24 ALBERTSON'S, LLC, by and through its undersigned attorneys, hereby demands and requests
25 security from Plaintiff, EILEEN ROTH, a non-resident of this State, for Defendant's costs and
26 charges which may be awarded herein against the Plaintiff in the

27 ///

139 E. WARM SPRINGS RD.
LAS VEGAS, NEVADA 89119
T. 702.380.0007 | F. 702.380.2964

BRANDON | SMERBER
LAW FIRM

BRANDON | SMERBER
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139 E. WARM SPRINGS RD.
LAS VEGAS, NEVADA 89119
T. 702.380.0007 | F. 702.380.2964

1 sum of FIVE HUNDRED DOLLARS (\$500.00).

2 DATED this 10th day of December, 2020.

3 **BRANDON | SMERBER LAW FIRM**

4 /s/ Lew Brandon, Jr., Esq.

5 **LEW BRANDON, JR., ESQ.**

6 Nevada Bar No. 5880

7 **ANDREW GUZIK, ESQ.**

8 Nevada Bar No. 12758

9 **SARA PASQUALE, ESQ.**

10 Nevada Bar No. 14412

11 139 East Warm Springs Road

12 Las Vegas, Nevada 89119

13 *Attorneys for Defendant,*

14 *ALBERTSON'S, LLC*

15 **CERTIFICATE OF SERVICE**

16 Pursuant to Nev. R. Civ. P. 5(b), I certify that on the 10th day of December, 2020, I served
17 a true and correct copy of the foregoing **DEMAND FOR SECURITY OF COSTS** through the
18 Court's ECF electronic filing system, upon the following:

19 **BOYD B. MOSS III, ESQ.**

20 Nevada Bar No. 8856

21 boyd@mossberglv.com

22 **JOHN C. FUNK, ESQ.**

23 Nevada Bar No. 9255

24 john@mossverglv.com

25 **MOSS BERG INJURY LAWYERS**

26 4101 Meadows Lane, Suite 110

27 Las Vegas, Nevada 89107

28 702-222-4555

Facsimile – 702-222-4556

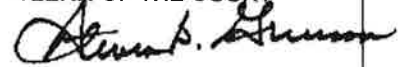
Attorneys for Plaintiff,

EILEEN ROTH

/s/ Bonita Alexander

An Employee of Brandon | Smerber Law Firm

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12/10/2020 8:08 AM
Steven D. Grierson
CLERK OF THE COURT



1 **IAFD**
2 **LEW BRANDON, JR., ESQ.**
3 Nevada Bar No. 5880
4 **ANDREW GUZIK, ESQ.**
5 Nevada Bar No. 12758
6 **SARA PASQUALE, ESQ.**
7 Nevada Bar No. 14412
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11 Office (702) 380-0007-Fax (702) 380-2964
12 l.brandon@bsnv.law
13 a.guzik@bsnv.law
14 s.pasquale@bsnv.law
15 Attorneys for Defendant,
16 **ALBERTSON'S, LLC.**

**DISTRICT COURT
CLARK COUNTY, NEVADA**

13 EILEEN ROTH,

14 Plaintiff,

15 vs.

16 ALBERTSON'S, LLC, a Foreign Limited-
17 Liability Company, d/b/a ALBERTSON'S;
18 DOES I through X; and ROE
19 CORPORATIONS I through X, inclusive,

20 Defendants.

CASE NO.: A-20-825624-C
DEPT. NO.: 8

INITIAL APPEARANCE FEE DISCLOSURE
(NRS CHAPTER 19)

23 Pursuant to NRS Chapter 19, as amended by Senate Bill 106, filing fees are submitted
24 for parties appearing in the above-entitled action as indicated below:

25 1. ALBERTSON'S, LLC., Defendant..... \$223.00

26 ///

27 ///

28 ///

139 E. WARM SPRINGS RD.
LAS VEGAS, NEVADA 89119
T. 702.380.0007 | F. 702.380.2964

BRANDON | SMERBER
LAW FIRM

139 E. WARM SPRINGS RD.
LAS VEGAS, NEVADA 89119
T. 702.380.0007 | F. 702.380.2964

BRANDON | SMERBER
LAW FIRM

1 **TOTAL REMITTED..... \$223.00**

2 DATED this 10th day of December, 2020.

3 **BRANDON | SMERBER LAW FIRM**

4 /s/ Lew Brandon, Jr., Esq.

5 **LEW BRANDON, JR., ESQ.**

6 Nevada Bar No. 5880

7 **ANDREW GUZIK, ESQ.**

8 Nevada Bar No. 12758

9 **SARA PASQUALE, ESQ.**

10 Nevada Bar No. 14412

11 139 East Warm Springs Road

12 Las Vegas, Nevada 89119

13 *Attorneys for Defendant,*

14 *ALBERTSON'S, LLC.*

15 **CERTIFICATE OF SERVICE**

16 Pursuant to Nev. R. Civ. P. 5(b), I certify that on the 10th day of December, 2020, I served
17 a copy of the foregoing **INITIAL APPEARANCE FEE DISCLOSURE** through the Court's
18 ECF electronic filing system, upon the following:

19 **BOYD B. MOSS III, ESQ.**

20 Nevada Bar No. 8856

21 boyd@mossberglv.com

22 **JOHN C. FUNK, ESQ.**

23 Nevada Bar No. 9255

24 john@mossverglv.com

25 **MOSS BERG INJURY LAWYERS**

26 4101 Meadows Lane, Suite 110

27 Las Vegas, Nevada 89107

28 702-222-4555

Facsimile – 702-222-4556

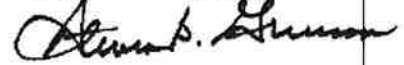
Attorneys for Plaintiff,

EILEEN ROTH

/s/ Bonita Alexander

An Employee of Brandon | Smerber Law Firm

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12/10/2020 8:09 AM
Steven D. Grierson
CLERK OF THE COURT



1 **DMJT**
2 **LEW BRANDON, JR., ESQ.**
3 Nevada Bar No. 5880
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5 Nevada Bar No. 12758
6 **SARA PASQUALE, ESQ.**
7 Nevada Bar No. 14412
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11 Office (702) 380-0007-Fax (702) 380-2964
12 l.brandon@bsnv.law
13 a.guzik@bsnv.law
14 s.pasquale@bsnv.law
15 *Attorneys for Defendant,*
16 **ALBERTSONS, LLC.**

11 **DISTRICT COURT**
12 **CLARK COUNTY, NEVADA**

13 EILEEN ROTH,

14 Plaintiff,

15 vs.

16 ALBERTSON'S, LLC, a Foreign Limited-
17 Liability Company, d/b/a ALBERTSONS;
18 DOES I through X; and ROE
19 CORPORATIONS I through X, inclusive,

20 Defendants.

CASE NO.: A-20-825624-C
DEPT. NO.: 8

21 **DEMAND FOR JURY TRIAL**

22 COMES NOW, Defendant, ALBERTSONS, LLC. by and through its attorney of record,
23 LEW BRANDON, JR., ESQ., ANDREW GUZIK, ESQ., and of SARA PASQUALE, ESQ., OF
24 BRANDON | SMERBER LAW FIRM, and hereby demands a

25 ///

26 ///

27 ///

28

139 E. WARM SPRINGS RD.
LAS VEGAS, NEVADA 89119
T. 702.380.0007 | F. 702.380.2964

BRANDON | SMERBER
LAW FIRM

BRANDON | SMERBER
LAW FIRM
139 E. WARM SPRINGS RD.
LAS VEGAS, NEVADA 89119
T. 702.380.0007 | F. 702.380.2964

Jury Trial in the above-entitled action.

DATED this 10th day of December, 2020.

BRANDON | SMERBER LAW FIRM

/s/ Lew Brandon, Jr., Esq.

LEW BRANDON, JR., ESQ.

Nevada Bar No. 5880

ANDREW GUZIK, ESQ.

Nevada Bar No. 12758

SARA PASQUALE, ESQ.

Nevada Bar No. 14412

139 East Warm Springs Road

Las Vegas, Nevada 89119

Attorneys for Defendant,

ALBERTSON'S, LLC.

CERTIFICATE OF SERVICE

Pursuant to Nev. R. Civ. P. 5(b), I certify that on the 10th day of December, 2020, I served a copy of the foregoing **DEMAND FOR JURY TRIAL** through the Court's ECF electronic filing system, upon the following:

BOYD B. MOSS III, ESQ.

Nevada Bar No. 8856

boyd@mossberglv.com

JOHN C. FUNK, ESQ.

Nevada Bar No. 9255

john@mossverglv.com

MOSS BERG INJURY LAWYERS

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Las Vegas, Nevada 89107

702-222-4555

Facsimile – 702-222-4556

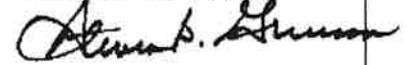
Attorneys for Plaintiff,

EILEEN ROTH

/s/ Bonita Alexander

An Employee of Brandon | Smerber Law Firm

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12/10/2020 8:11 AM
Steven D. Grierson
CLERK OF THE COURT



1 **CSRE**
2 **LEW BRANDON, JR., ESQ.**
3 Nevada Bar No. 5880
4 **ANDREW GUZIK, ESQ.**
5 Nevada Bar No. 12758
6 **SARA PASQUALE, ESQ.**
7 Nevada Bar No. 14412
8 **BRANDON | SMERBER LAW FIRM**
9 139 East Warm Springs Road
10 Las Vegas, Nevada 89119
11 Office (702) 380-0007-Fax (702) 380-2964
12 l.brandon@bsnv.law
13 a.guzik@bsnv.law
14 s.pasquale@bsnv.law
15 Attorneys for Defendant,
16 **ALBERTSONS, LLC.**

11 **DISTRICT COURT**
12 **CLARK COUNTY, NEVADA**

13 EILEEN ROTH,

14 Plaintiff,

15 vs.

16 ALBERTSON'S, LLC, a Foreign Limited-
17 Liability Company, d/b/a ALBERTSONS;
18 DOES I through X; and ROE
19 CORPORATIONS I through X, inclusive,

20 Defendants.

CASE NO.: A-20-825624-C
DEPT. NO.: 8

21 **CONSENT TO SERVICE BY ELECTRONIC MEANS THROUGH E-FILEING**
22 **PROGRAM**

23 The undersigned parties hereby consent to service of documents by electronic means
24 through the Court's e-filing program on behalf of the following parties: ALBERTSONS, LLC.

25 Documents served by electronic means must be transmitted to the following persons at
26 the e-mail addresses listed: l.brandon@bsnv.law; a.guzik@bsnv.law; s.pasquale@bsnv.law.
27
28

139 E. WARM SPRINGS RD.
LAS VEGAS, NEVADA 89119
T. 702.380.0007 | F. 702.380.2964

BRANDON | SMERBER
LAW FIRM

1 It is my understanding that the attachments may be transmitted to the program in any
2 format and will be converted to a PDF file before service is effected.

3 The undersigned also acknowledges that this Consent does not require service by
4 electronic means unless the serving party elects to do so.
5

6 DATED this 10th day of December, 2020.

7 **BRANDON | SMERBER LAW FIRM**

8 /s/ Lew Brandon, Jr., Esq.

9 **LEW BRANDON, JR., ESQ.**

Nevada Bar No. 5880

10 **ANDREW GUZIK, ESQ.**

Nevada Bar No. 12758

11 **SARA PASQUALE, ESQ.**

Nevada Bar No. 14412

12 139 East Warm Springs Road

13 Las Vegas, Nevada 89119

14 *Attorneys for Defendant,*

ALBERTSON'S, LLC.

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T: 702.380.0007 | F: 702.380.2964

CERTIFICATE OF SERVICE

Pursuant to Nev. R. Civ. P. 5(b), I certify that on the 10th day of December, 2020, I served a copy of the foregoing **CONSENT TO SERVICE BY ELECTRONIC MEANS THROUGH E-FILING PROGRAM** through the Court's ECF electronic filing system, upon the following:

BOYD B. MOSS III, ESQ.

Nevada Bar No. 8856

boyd@mossberglv.com

JOHN C. FUNK, ESQ.

Nevada Bar No. 9255

john@mossverglv.com

MOSS BERG INJURY LAWYERS

4101 Meadows Lane, Suite 110

Las Vegas, Nevada 89107

702-222-4555

Facsimile – 702-222-4556

Attorneys for Plaintiff,

EILEEN ROTH

/s/ Bonita Alexander

An Employee of Brandon | Smerber Law Firm

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Steven D. Grierson
CLERK OF THE COURT



1 **DSST**
2 **LEW BRANDON, JR., ESQ.**
3 Nevada Bar No. 5880
4 **ANDREW GUZIK, ESQ.**
5 Nevada Bar No. 12758
6 **SARA PASQUALE, ESQ.**
7 Nevada Bar No. 14412
8 **BRANDON | SMERBER LAW FIRM**
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10 Las Vegas, Nevada 89119
11 Office (702) 380-0007-Fax (702) 380-2964
12 l.brandon@bsnv.law
13 a.guzik@bsnv.law
14 s.pasquale@bsnv.law
15 *Attorneys for Defendant,*
16 **ALBERTSONS, LLC.**

**DISTRICT COURT
CLARK COUNTY, NEVADA**

13 EILEEN ROTH,
14 Plaintiff,

15 vs.

16 ALBERTSON'S, LLC, a Foreign Limited-
17 Liability Company, d/b/a ALBERTSONS;
18 DOES I through X; and ROE
19 CORPORATIONS I through X, inclusive,

20 Defendants.

CASE NO.: A-20-825624-C
DEPT. NO.: 8

DISCLOSURE STATEMENT PURSUANT TO NRCP 7.1

22 The undersigned counsel of record for Defendant, ALBERTSONS, LLC., A
23 DELAWARE LIMITED LIABILITY COMPANY hereby certifies that to their knowledge,
24 ALBERTSONS, LLC.'s parent company is Albertson's Holding, LLC., a Delaware limited
25 liability company, and is not publicly traded.

26 ///

27 ///

139 E. WARM SPRINGS RD.
LAS VEGAS, NEVADA 89119
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**BRANDON | SMERBER
LAW FIRM**

BRANDON | SMERBER
LAW FIRM
139 E. WARM SPRINGS RD.
LAS VEGAS, NEVADA 89119
T. 702.380.0007 | F. 702.380.2964

1 There are no other known interested parties other than those identified.

2 DATED this 10th day of December, 2020.

3 **BRANDON | SMERBER LAW FIRM**

4 /s/ Lew Brandon, Jr., Esq.

5 **LEW BRANDON, JR., ESQ.**

6 Nevada Bar No. 5880

7 **ANDREW GUZIK, ESQ.**

8 Nevada Bar No. 12758

9 **SARA PASQUALE, ESQ.**

10 Nevada Bar No. 14412

11 139 East Warm Springs Road

12 Las Vegas, Nevada 89119

13 *Attorneys for Defendant,*

14 *ALBERTSON'S, LLC.*

15 **CERTIFICATE OF SERVICE**

16 Pursuant to Nev. R. Civ. P. 5(b), I certify that on the 10th day of December, 2020, I served
17 a copy of the foregoing **DISCLOSURE STATEMENT PURSUANT TO NRCP 7.1** through
18 the Court's ECF electronic filing system, upon the following:

19 **BOYD B. MOSS III, ESQ.**

20 Nevada Bar No. 8856

21 boyd@mossberglv.com

22 **JOHN C. FUNK, ESQ.**

23 Nevada Bar No. 9255

24 john@mossverglv.com

25 **MOSS BERG INJURY LAWYERS**

26 4101 Meadows Lane, Suite 110

27 Las Vegas, Nevada 89107

28 702-222-4555

Facsimile – 702-222-4556

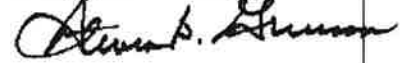
Attorneys for Plaintiff,

EILEEN ROTH

/s/ Bonita Alexander

An Employee of Brandon | Smerber Law Firm

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Steven D. Grierson
CLERK OF THE COURT



1 REQT

2 LEW BRANDON, JR., ESQ.

3 Nevada Bar No. 5880

4 ANDREW GUZIK, ESQ.

5 Nevada Bar No. 12758

6 SARA PASQUALE, ESQ.

7 Nevada Bar No. 14412

8 BRANDON | SMERBER LAW FIRM

9 139 East Warm Springs Road

10 Las Vegas, Nevada 89119

11 Office (702) 380-0007-Fax (702) 380-2964

12 l.brandon@bsnv.law

13 a.guzik@bsnv.law

14 s.pasquale@bsnv.law

15 Attorneys for Defendant,

16 ALBERTSONS, LLC.

11 DISTRICT COURT
12 CLARK COUNTY, NEVADA

13 EILEEN ROTH,

14 Plaintiff,

15 vs.

16 ALBERTSON'S, LLC, a Foreign Limited-
17 Liability Company, d/b/a ALBERTSONS;
18 DOES I through X; and ROE
19 CORPORATIONS I through X, inclusive,

20 Defendants.

CASE NO.: A-20-825624-C
DEPT. NO.: 8

21 **NRCP 16.1(a)(1)(C) REQUEST FOR COMPUTATION OF DAMAGES AND**
22 **DISCLOSURE OF SUPPORTING DOCUMENTS AND NRCP 16.1(a)(1)(A)(iii)**
23 **REQUEST FOR MEDICAL PROVIDER IDENTITY**

24 Pursuant to NRCP 16.1(a)(1)(C), Defendant ALBERTSONS, LLC., hereby requests that
25 Plaintiff, EILEEN ROTH, provide within thirty (30) days of this Request, a computation of any
26 and all categories of damages claimed by Plaintiff, including making available for inspection and
27 copying as under Rule 34, the documents or other evidentiary matter not privileged or protected
28

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BRANDON | SMERBER
LAW FIRM

1 from disclosure on which such computation is based, including materials bearing on the nature
2 and extent of injuries suffered.

3 DATED this 10th day of December, 2020.

4 **BRANDON | SMERBER LAW FIRM**

5 /s/ Lew Brandon, Jr., Esq.

6 **LEW BRANDON, JR., ESQ.**

7 Nevada Bar No. 5880

8 **ANDREW GUZIK, ESQ.**

9 Nevada Bar No. 12758

10 **SARA PASQUALE, ESQ.**

11 Nevada Bar No. 14412

12 139 East Warm Springs Road

13 Las Vegas, Nevada 89119

14 *Attorneys for Defendant,*

15 *ALBERTSON'S, LLC.*

16 **CERTIFICATE OF SERVICE**

17 Pursuant to Nev. R. Civ. P. 5(b), I certify that on this 10th day of December, 2020, I
18 served a true and correct copy of the foregoing **NRCP 16.1(a)(1)(C) REQUEST FOR**
19 **COMPUTATION OF DAMAGES AND DISCLOSURE OF SUPPORTING DOCUMENTS**
20 **AND NRCP 16.1(a)(1)(A)(iii) REQUEST FOR MEDICAL PROVIDER** through the Court's
21 ECF electronic filing system, upon the following:

22 **BOYD B. MOSS III, ESQ.**

23 Nevada Bar No. 8856

24 boyd@mossberglv.com

25 **JOHN C. FUNK, ESQ.**

26 Nevada Bar No. 9255

27 john@mossverglv.com

28 **MOSS BERG INJURY LAWYERS**

4101 Meadows Lane, Suite 110

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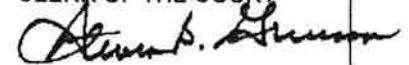
Attorneys for Plaintiff,

EILEEN ROTH

/s/ Bonita Alexander

An Employee of Brandon | Smerber Law Firm

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Steven D. Grierson
CLERK OF THE COURT



1 ABREA
2 BOYD B. MOSS III, ESQ.
3 Nevada Bar No. 8856
4 boyd@mossberglv.com
5 JOHN C. FUNK, ESQ.
6 Nevada Bar No. 9255
7 john@mossberglv.com
8 MOSS BERG INJURY LAWYERS
9 4101 Meadows Lane, Suite 110
10 Las Vegas, Nevada 89107
11 Telephone: (702) 222-4555
12 Facsimile: (702) 222-4556
13 *Attorneys for Plaintiff*

DISTRICT COURT
CLARK COUNTY, NEVADA

11 EILEEN ROTH,
12
13 Plaintiffs,

CASE NO. A-20-825624-C
DEPT. NO. 8

14 v.

REQUEST FOR EXEMPTION
FROM ARBITRATION

15 ALBERTSON'S LLC, a Foreign Limited-
16 Liability Company, d/b/a ALBERTSONS;
17 DOES I through X; and ROE
18 CORPORATIONS I through X, inclusive,
19 Defendants.

20 Pursuant to Nevada Arbitration Rules 3 and 5, Plaintiff, EILEEN ROTH by and through
21 her attorneys of record, BOYD B. MOSS III, ESQ., and JOHN C. FUNK, ESQ., of the law firm
22 of MOSS BERG INJURY LAWYERS, hereby requests the above-entitled matter be exempted
23 from arbitration, as this case:

- 24 1. _____ Presents a significant issue of public policy;
25 2. X Involves an amount in excess of \$50,000, exclusive of interest and costs;
26 3. _____ Presents unusual circumstances which constitute good cause for removal
27 from the program.
28

I.

**A SPECIFIC SUMMARY OF THE FACTS WHICH SUPPORTS PLAINTIFF'S
CONTENTION FOR EXEMPTION**

**A. A SUMMARY OF THE FACTS WHICH SUPPORTS PLAINTIFF'S REQUEST
FOR EXEMPTION IS AS FOLLOWS:**

On January 1, 2019, Plaintiff, EILEEN ROTH was a guest shopping at Defendant's premises, located at 10250 West Charleston Boulevard, Las Vegas, Nevada 89135, commonly known as ALBERTSONS.

At that same time and place, Defendant carelessly and negligently created, owned, controlled, inspected and/or maintained their premises in an unstable and dangerous manner, specifically, an uneven floor with slick floor tiles, where Defendant was aware numerous customers would be constantly walking, which, without proper warning of the hazard, caused Ms. Roth to slip, hit her head hard on the restroom wall and fall forcefully to the ground, and as a proximate result thereof, Ms. Roth was seriously injured.

**B. PLAINTIFF, EILEEN ROTH'S PERMANENT INJURIES AS DIAGNOSED BY
HER HEALTHCARE PROVIDERS ARE SUMMARIZED AS FOLLOWS:**

Ms. Roth had to undergo an Open Reduction Internal Fixation of the Left Tibia and Fibula procedure performed by Thomas G. Harris, M.D. at Huntington Hospital. During the course of her treatment, Plaintiff, EILEEN ROTH has been diagnosed with the following incident-related injuries:

1. Encephalomalacia;
2. Nondisplaced Weber B Distal Left Tibia and Fibula Fracture;
3. Lateral Soft Tissue Swelling;

**C. POST-INJURY MEDICAL SPECIALS INCURRED TO DATE OF WHICH
PLAINTIFF'S COUNSEL IS AWARE:**

Plaintiff, EILEEN ROTH states that her incident-related medical specials received to date are:

1	Medical Provider:	Treatment Dates:	Amount:
2	American Medical Response	01/01/2019	\$1,341.63
3	Shadow Emergency Physicians	01/01/2019	\$1,888.00
4	Desert Radiology	01/01/2019	\$445.44
5	Summerlin Hospital	01/01/2019	\$15,272.00
6	Congress Orthopaedic Associates	01/03/2019-12/12/2019	\$47,531.00
7	Stephen D. Henry M.D.	01/15/2019-02/23/2020	\$37,546.00
8	Radiant Imaging	01/25/2019-02/21/2019	\$466.00
9	Huntington Hospital	02/21/2019-02/24/2019	\$52,781.06
10	Villa Garden Health Center	02/21/2019-02/24/2019	\$11,423.02
11	Elite Motion Physical Therapy	08/13/2019-01/13/2020	\$2,412.02
12	TOTAL:		\$171,106.17

16 Additionally, Plaintiff's general damages are in an amount in excess of **\$15,000.00** and
 17 will be determined at the time of the trial in this matter. Plaintiff reserves the right to supplement
 18 this computation of damages as additional information becomes available.

19 As is evidenced by the serious and permanent injuries diagnosed by Plaintiff, EILEEN
 20 ROTH'S healthcare providers, together with the significant medical expenses incurred by
 21 Plaintiff, EILEEN ROTH. Plaintiff's case clearly has a probable jury award value well in excess
 22 of \$50,000.00. Accordingly, and pursuant to NAR 3, this matter is appropriately exempted from
 23 the Court Annexed Arbitration Program.
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 25
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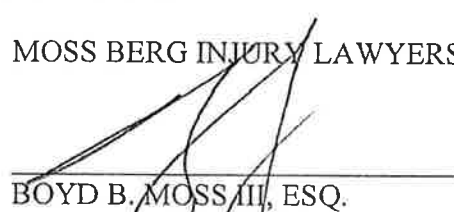
1 Based upon the foregoing, I hereby certify pursuant to N.R.C.P. 11 this case to be within
2 the exemption marked above, and I am aware of the sanctions which may be imposed against any
3 attorney or party who without good cause or justification attempts to remove a case from the
4 arbitration program.

5
6 I further certify pursuant to NRS Chapter 239B and NRS 603A.040 that this document
7 and any attachments thereto do not contain personal information including, without limitation,
8 home address/phone number, social security number, driver's license number or identification
9 card number, account number, PIN numbers, credit card number or debit card number, in
10 combination with any required security code, access code or password that would permit access
11 to the person's financial account.

12 DATED this 29 day of December, 2020.

13
14 MOSS BERG INJURY LAWYERS

15
16 By:

17 
BOYD B. MOSS III, ESQ.

Nevada Bar No. 8856

boyd@mossberglv.com

18 JOHN C. FUNK, ESQ.

Nevada Bar No. 9255

john@mossberglv.com

20 4101 Meadows Lane, Suite 110

Las Vegas, Nevada 89107

21 Telephone: (702) 222-4555

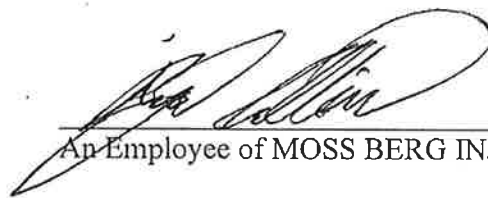
22 Facsimile: (702) 222-4556

23 *Attorneys for Plaintiff*

CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b) and Administrative Order 14-02 of the Eighth Judicial District Court, I hereby certify that I am an employee of MOSS BERG INJURY LAWYERS and that on the 29th day of December, 2020, I served the above and foregoing **REQUEST FOR EXEMPTION FROM ARBITRATION** on the following parties in compliance with the Nevada Electronic Filing and Conversion Rules:

LEW BRANDON, JR., ESQ.
Nevada Bar No. 5880
BRANDON SMERBER LAW FIRM
139 East Warm Springs Road
Las Vegas, Nevada 89119
Attorneys for Defendant,
ALBERTSONS, LLC



An Employee of MOSS BERG INJURY LAWYERS